



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE MAY 15, 2019 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 15, 2019, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Tom Kelly, Apache Junction Police Department
Mr. Andrew LeFevre, Grand Canyon University
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ Department of Public Safety

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Ms. Jamie Kelly, Public Member
Officer Matthew Medina, Prescott Police Department

Staff in Attendance:

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Hop Bui, Computer Specialist
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Steve Jacobs, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Mike Orose, Compliance Specialist
Lynn Pirkle, Administrative Services Officer
Kip Rustenburg, Program Administrator
Cindy Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Seth Hargraves

Mark Brachtl

John Tellier

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Chief Kelly to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Assistant Attorney General John Tellier will provide legal advice to the Board on four final action cases; 17-177 Luis G. Ruiz, 17-104 Charles K. Foley, 18-168 Stephen D. Guyer, and 17-093 Eddie Conaway.
- Three Board members are not present today; Ms. Jamie Kelly, Sheriff Scott Mascher and Officer Matthew Medina. There are still two Board member vacancies (public member and jail administrator).
- One final action case will be removed from the agenda for further review; Case 17-187 Mark P. Mann.
- One item will be removed from the Consent Agenda. The voluntary relinquishment consent agreement for Guadalupe P. Paz 18-163. The signed consent agreement was not returned in time for today's meeting.
- Program Administrator Kip Rustenburg began her first day of employment on Monday. We are very excited to have her onboard.

C. Executive Director's Report

Matt Giordano, Executive Director

- In collaboration with the Arizona Association of Chiefs of Police (AACOP) we will offer a 4 hour training class on Seven Points of Officer Wellness at this year's Law Enforcement Summit in July. AACOP will also be offering additional trainings during the Summit.
- Attended the Partners Against Narcotics Training (PANT) Meeting in Sedona and met Sedona's new chief, Charles Husted.
- Had the opportunity to attend the Naval POST Graduate Executive Seminar on Complex Coordinated Terrorist Attacks. It was a great opportunity to attend, listen and discuss any forthcoming training on terrorist attacks that we would be able to assist with.
- Met with Chief Stahl of the Maricopa Police Department and toured the city and saw how the department is operating. We will be partnering with them to conduct Resiliency Training for officers throughout the state.
- Also met with Chief Rodbell at Scottsdale PD. Chief Rodbell expressed his appreciation with Executive Director Giordano having met with him.

D. Summary of Current Events

Matt Giordano, Executive Director

- We continue to work on efficiencies. Some of our cases stretch a really long time; oftentimes this is due to a criminal investigation being involved. We will no longer hold our investigation

until the criminal investigation is done. Moving forward we will start preparing the cases to present to the Board so there is not a long delay. We will review these on a case by case basis in order not to interfere with the criminal investigation.

- Two new chiefs participated in the waiver process; Chief Husted of Sedona and Chief Sanders of Page. Thanks to Cindy Sawyer for her assistance in conducting the waiver process for the two chiefs.
- We are still looking to fill the Systems Administrator position. Interviews will be held next week.
- On April 24th the paperwork was hand delivered to the governor's office to change the minimum age qualification for a corrections officer from age 21 to age 18. The governor signed it that afternoon and it became effective upon his signature.

E. Legislative Update

Matt Giordano, Executive Director

- Things are slowing down at the legislature. There are no bills that affect AZPOST being proposed. Just waiting for the budget to be approved.

F. Review, Discussion and Possible Action on Proposed 2019/20 Fiscal Year Budget

Matt Giordano, Executive Director

The 2019/20 fiscal year budget was presented to the Board for approval. This year's budget once again includes a legislative appropriation to provide basic training support. This year we were appropriated \$190,000 more than last year. Academy directors have expressed their gratitude for the extra funding they've received due to this appropriation. This year's budget includes a 5% raise for staff; similar to what the Department of Public Safety is proposing for its employees. Carry forward funds will be re-evaluated next year to determine what the appropriate amount should be to carry forward. Since the CJEF fund fluctuates on a month-to-month basis, it difficult to estimate funding at year's end. Acting Chairman Rodbell stated he would like to thank the Governor's office for appropriating these funds in support of peace officer basic training.

Mr. LeFevre made a motion to accept the 2019-20 budget as presented. The motion was seconded by Deputy Pittmann and passed unanimously.

G. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda. The motion was seconded by Deputy Pittmann and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on March 20, 2019; and
Minutes of the Board meeting held on April 17, 2019.
2. Certification Waivers:

Matthew R. Badalucco
Jared C. Loesing
Dennia B. Grijalva

Gilbert Police Department
Wickenburg Police Department
Hayden Police Department

Roman G. Hernandez	Globe Police Department
Justin P. Hernandez	Phoenix Police Department

3. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

Eric W. Kask	18-024	Mesa Police Department
Jared D. Elkins	18-014	Yuma Police Department

H. Report – Department of Corrections

Director Charles Ryan

Since last month's meeting, there are currently four classes with 113 cadets in attendance. There are 1,211 vacancies statewide. There are five future academies scheduled; and currently there are 40 cadets enrolled for these academies. The RUSH Unit Recruitment Team has visited 38 high schools and/or colleges to recruit applicants who are graduating this month. The response has been positive and we have netted a total of 65 applicants in the 18-21 year age range. He thanked AZPOST for its support in getting the emergency provision passed that allows the minimum hiring age to be 18 years of age.

I. Review, Discussion and Possible Action on a Colorado City Marshal's Office Petition for Waiver of the Seven Year Restriction from A.A.C. R13-4-105(A)(14) for Applicant Ben Barlow

Assistant Attorney General Seth Hargraves addressed the Board regarding the Colorado City Marshal's Office petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Ben Barlow. Marshal Mark Askerlund, Colorado City Marshal's Office, addressed the Board to request that the petition be granted.

Mr. Ahler (AAG) made a motion to grant the waiver of the seven year restriction from A.A.C. R13-4-105(A)(14). Based upon the information submitted by the Colorado City Marshal's Office, I believe that the best interests of the law enforcement profession would be served and the public welfare and safety would not be jeopardized by the waiver. The motion was seconded by Mr. LeFevre and passed with two nay votes recorded for Sheriff Dannels and Deputy Director Silbert.

J. Final Action Cases:

1. 17-177 – Luis G. Ruiz – Tucson Police Department
Mr. Ahler (AAG) recused himself from this case.

The Board heard oral argument on the Amended Administrative Law Judge (ALJ) Decision from Assistant Attorney General Mark Brachtel, and Mr. Ruiz, representing himself.

Sheriff Dannels made a motion to accept the amended ALJ's Findings of Fact and Conclusions of Law and revoke Mr. Ruiz's peace officer certification. The motion was seconded by Deputy Director Silbert and passed unanimously.

2. #17-104 – Charles K. Foley – Tucson Police Department
Mr. Ahler (AAG) recused himself from this case.

The Board received independent legal advice from Assistant Attorney General John Tellier.

The Board heard oral argument on the Motion for Reconsideration from Assistant Attorney General Mark Brachtl. Mr. Foley was not present. Deputy Director Silbert made a motion to accept the recommendation of the Attorney General's Office to amend the wording appropriately as to the charges. Upon advice from counsel, the motion was amended to accept the State's Motion for Reconsideration and adopt the amended case overview. The motion was seconded by Director Ryan and passed unanimously.

3. #17-187 – Mark P. Mann – Buckeye Police Department
This case was tabled for further review.

4. #18-168 – Stephen D. Guyer – AZ Department of Transportation - ECD
The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case and the terms of the proposed consent agreement. Deputy Director Silbert made a motion to accept the Consent Agreement, Decision and Order for a 3-month suspension of Mr. Guyer's peace officer certification. The suspension shall be in effect from December 27, 2018 through March 27, 2019. The motion was seconded by Director Ryan and passed unanimously.

5. #17-093 – Eddie Conaway – Phoenix Police Department
The Board received independent legal advice from Assistant Attorney General John Tellier who advised the Board of their options; and informed them that if they want to take no action they could reject the proposed consent agreement, but would have to bring the matter back at a later meeting to close, as the agenda description did not provide for that option.

The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the terms of the proposed consent agreement; and from Mr. Eric Wilson, attorney representing Mr. Conaway. After a lengthy discussion regarding this case, Sheriff Dannels made a motion to reject the proposed Consent Agreement, Decision and Order for a 160-hour suspension of Mr. Conaway's peace officer certification and take no disciplinary action. The motion was seconded by Deputy Director Silbert and passed unanimously.

6. #18-134 – Jonathan J. Rambler – San Carlos Apache Tribal Police Department
The Board considered comments from Deputy Director Ben Henry, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Rambler's peace officer certification. The motion was seconded by Deputy Director Silbert and passed unanimously.

7. #18-139 – Jordan M. Robins – Tucson Police Department
The Board considered comments from Deputy Director Ben Henry, who provided a brief overview of the case. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Robins. The motion was seconded by Chief Kelly and passed unanimously.
8. #18-148 – Patrick W. Beckley – Chandler Police Department
The Board considered comments from Deputy Director Ben Henry, who provided a brief overview of the case. Chief Kelly made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Beckley's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
9. #18-169 – Jason D. Corona – Phoenix Police Department
The Board considered comments from Deputy Director Ben Henry, who provided a brief overview of the case. Chief Kelly made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Corona's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
10. #18-114 – Victor H. Valenzuela – Miami Police Department
The Board considered comments from Deputy Director Ben Henry, who provided a brief overview of the case. Chief Kelly made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Valenzuela's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

K. New Charging Cases:

1. #18-088 – Jose Tavena III – Salt River Pima-Maricopa Indian Community
The Board considered comments from Compliance Specialist Billy Caldwell, who provided a brief overview of the case. Deputy Pittmann made a motion to **Initiate Proceedings** against Mr. Tavena's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
2. #19-003 – Rochelle J. Thomas – Glendale Police Department
The Board considered comments from Compliance Specialist Billy Caldwell, who provided a brief overview of the case. Deputy Director Silbert made a motion to **Initiate Proceedings** against Ms. Thomas' peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
3. #18-161 – Nadine Salameh – Tempe Police Department
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Chief Kelly made a motion to **Initiate Proceedings** against Ms. Salameh's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

4. #19-018 – Joseph B. Zajicek – AZ Department of Public Safety
Deputy Director Silbert recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Chief Kelly made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Deputy Pittmann and passed with one nay voted recorded for Director Ryan.

L. Review, Discussion and Possible Action on a Substantive Police Statement Concerning the Use of Products Containing Cannabidoil (CBD)

This matter was tabled for future discussion.

M. Call to the Public

No one wished to address the Board.

N. Future Agenda Items

There are no items to add.

O. Adjournment

The meeting was adjourned at 11:33 a.m.